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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

June 14, 2023

Ms. Janet Young  
Agency Rules Coordinator  
Department of Revenue  
Post Office Box 5906  
Tallahassee, Florida 32314-5906

**RE: Department of Revenue, Division of Child Support Enforcement  
Proposed Rule Numbers 12E-1.029, .030, .036, .040, and .041**

Dear Ms. Young:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on May 30, 2023. I have the following comments for your consideration and response:

**12E-1.029(1)(a):** Incorporated Material—Agreement for Financial Institution Data Matching, Form CS-ER134

P.2, II. A.: The statutory citation should be corrected to section 409.2579(1), F.S. Additionally, it appears that this agreement is requiring compliance with certain referenced federal regulations and statutes. If these are federal regulations and statutes to which compliance is already required of a financial institution, it appears that the language should reflect this (e.g. as required by state and federal laws...). If not, it appears that these materials might meet the definition of a rule as set forth in section 120.52(16), F.S., which would require incorporation by reference. Please review and advise.

P.2, II. C.: Please see the comment above regarding section II. A. of this form. Additionally, please advise whether the citations to 45 C.F.R. §§164.402 and .408, are relevant to financial institutions as these provisions appear to relate to HIPAA covered entities and protected health information.

P.2, II. D.: Please see the comment above regarding section II. A. of this form. Additionally, please advise whether the citation to section 45 C.F.R. § 307.13, is relevant to financial institutions as it appears to apply directly to state agencies.

**12E-1.029(1)(b):** While chapter 12E-1, F.A.C., does contain direction as to where to obtain referenced incorporated forms, there does not appear to be direction for how an affected person may obtain a copy of this incorporated non-form material that is not solely via the Department of State, as is required by rule 1-1.013(2)(c), F.A.C.

**12E-1.030(14)(b)1.:** Incorporated Material—Proposed Order to Modify Administrative Support Order, CS-OA120R

Option 14.1: This option directs the input of either A1, A2, or A3, which does not appear to align with the options that follow (i.e. A., B., C.).

Option 14.2: This option directs the input of either B1 or B2, which does not appear to align with the options that follow (i.e. A., B., C.).

**12E-1.030(15)(b):** Incorporated Material—Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears, CS-OA160

P.2, #4.: There is a blank check box at the end of the list of options in this section. Is this purposeful?

**12E-1.030(15)(c):** Incorporated Material—Final Order Terminating Support, Determining Arrears and Establishing Payment on Arrears, CS-OA178

P.2, #9.; This number consists of only a checkbox with no accompanying text. Is this purposeful?

**12E-1.030(15)(f):** Incorporated Material—Request to Terminate Support, CS-OA179

P.2, #5.: Please review whether this item can be revised for ease of understanding. As phrased, selecting, “No,” results in a response using double negatives.

**12E-1.036(12):** Incorporated Material—Proposed Order of Paternity, CS-OP30

P.2: This page includes a space for <<Option 45>> to be input, but there are no corresponding options for this included at the conclusion of the form.

**12E-1.036(13)(b)1.:** Incorporated Material—Proposed Administrative Paternity and Support Order, CS-OA20

Option 14.1: This option directs the input of either A1, A2, or A3, which does not appear to align with the options that follow (i.e. A., B., C.).

Option 14.2: This option directs the input of either B1 or B2, which does not appear to align with the options that follow (i.e. A., B., C.).

**12E-1.036(14)(d):** Incorporated Material—Proposed Administrative Paternity and Support Order, CS-OX20

Option 14.1: This option directs the input of either A1, A2, or A3, which does not appear to align with the options that follow (i.e. A., B., C.).

Option 14.2: This option directs the input of either B1 or B2, which does not appear to align with the options that follow (i.e. A., B., C.).

**12E-1.040(1)(c):** Incorporated Material—Instructions for Completing the Declaration in Support of Establishing Parentage, CS-IS26i

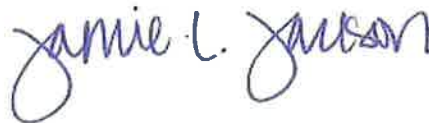
P.1: At the top of this page, the commas should be removed that surround the word, “petitioner.”

P.1, I: In the final checkbox on this page, it appears that the word, “under,” should be removed from the end of the first sentence.

**12E-1.041(1)(c)2.:** A reference should be included to set forth where the Family Law Affidavit (Short Form), CS-PO31, is incorporated by reference.

If you have questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,



Jamie L. Jackson  
Chief Attorney

cc: Mr. Bobby York, Program Rules Coordinator